

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14529 of 2003

Between:

- 1 O. Adi Reddy S/o Venkatasubba Reddy
Madhavayapalem Primary Agricultural Cooperative Society, Madhavayapalem,
Dakkili Mandal, Nellore District.
- 2 D. Jayarami Reddy S/o. Ramaraghava Reddy
Madhavayapalem Primary Agricultural Cooperative Society, Madhavayapalem,
Dakkili Mandal, Nellore District.
- 3 A. Suryagopal S/o. Battaiah Naidu
Dakkili Primary Agricultural Cooperative Society, Dakkili, Dakkili Mandal,
Nellore District.
- 4 Ch. Udayabhaskar Reddy S/o. Krishna Reddy
Dakkili Primary Agricultural Cooperative Society, Dakkili, Dakkili Mandal,
Nellore District.
- 5 Dakkili Bhaskar Reddy S/o. yerukala Redd
Dakkili Primary Agricultural Cooperative Society, Dakkili, Dakkili
Mandal, Nellore
District.
- 6 G. Nagaraja S/o. Nadamuni
Gollapalli Primary Agricultural Cooperative Society, Gollapalli,
Dakkili Mandal, Nellore District.
- 7 G. Ramaiah S/o. B. Ramachandraiah
Bhyravaram Primary Agricultural Cooperative Society, Bhyravaram,
Balayapalli Mandal, Nellore District.
- 8 J. Eswaraiah S/o. Rosaiah
Lalapeta Primary Agricultural Cooperative Society, Lalapeta,
Venkatagiri Mandal, Nellore District.
- 9 N. Prathap S/o. Ramakrishnaiah
Lalapeta Primary Agricultural Cooperative Society, Lalapeta,
Venkatagiri Satram Mandal, Nellore District.
- 10 P. Venkataramana Prasad S/o. Nagabhushanam
Siddavaram Primary Agricultural Cooperative Society, Siddavaram, Rapur
Mandal, Nellore District.
- 11 G. Ravindra Raju S/o. Ramachandra Raju

Armeeenipadu Primary Agricultural Cooperative Society, Armenipadu,
Ozili Mandal, Nellore District.

12 Ee. Raveeendraiah S/o. Sivaiah

Sagatur Primary Agricultural Cooperative Society, Sagatur, Ozili Mandal,
Nellore District.

..... PETITIONERS

AND

- 1 The Government of Andhra Pradesh, Cooperation Department,
rep. by its Secretary, Secretariat, Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Cooperative Societies,
Nampally, Hyderabad.
- 3 The Nellore District Coop. Central Bank Ltd., rep. by its Genral Manager,
Nellore, Nellore District.
- 4 State Bank of India, Venkatagiri, Nellore District,
rep. by its Branch Manager.
- 5 The District Coop. Officer, Nellore, Nellore District.
- 6 The Divisional Coop. Officer, Nellore, Nellore District.
- 7 The Divisional Coop. Officer, Gudur, Nellore District.
- 8 Madhavayapalem primary Agricultural Cooperative Society, Madhavayapalem,
Dakkili Mandal, Nellore District, rep. by its Chairman/Person-in-Charge.
- 9 Dakkili Primary Agricultural Cooperative society, Dakkili, Dakkili Mandal,
Nellore District, rep. by its Chairman/Person-in-Charge.
- 10 Gollapalli Primary Agricultural Cooperative Society, Gollapalli,
Dakkili mandal, Nellore District, rep. by its Chairman/Person-in-charge.
- 11 Bhyravaram Primary Agricultural Cooperative Society, Bhyravaram,
Balayapalli Mandal, Nellore District, rep. by its Chairman/Person-in-charge.
- 12 Lalapeta Primary Agricultural Cooperative Society, Lalapeta,
Venkatagiri Mandal, Nellore District, rep. by its Chairman/Person-in-charge.
- 13 Siddavaram Primary Agricultural Cooperative Society, Siddavaram,
Rapur Mandal, Nellore District, rep. by its Manager/person-in-charge, Nellore
district Cooperative Central Bank Ltd., Venkatagiri Branch, Nellore District.
- 14 Armenipadu Primary Agricultural Cooperative Society, Armenipadu,
Ozili Mandal, Nellore District, rep. by its Chairman/Person-in-charge.
- 15 Sagatur Primary Agricultural Cooperative Society, Sagatur, Ozili Mandal,
Nellore District, rep. by its Chairman/Person-in-Charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec. 116-C of the Act.

Counsel for the Petitioners: MR.A.SATYA PRASAD

Counsel for the Respondent No.1,2,5,6,7: G.P. for Co-operation.

Counsel for the Respondent No.3: K. Muralidhar Reddy

Counsel for the Respondent Nos.4,8 to 15: -None appeared-

The Court made the following :

ORAL ORDER:

The petitioners claim to be working as Secretaries, Additional Secretaries, Assistant Secretary and Clerk-cum-Accountant in various Primary Agricultural Co-operative Societies (for short PACS) arrayed as respondent Nos. 8 to 15 herein. Pursuant to the abolition of common cadre and de-caderisation of the Paid Secretaries Cadre apropos Section 116-AA of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'), such of those petitioners, who were Paid Secretaries recruited under the half-a-million jobs scheme, had been allotted to various PACS. They complain that in view of the provisions of Section 116-C of the Act, they are not being paid salaries since April, 2003. The writ petitioners seek a direction to continue to pay them the salaries as last drawn. The petitioners admit that none of the respondents-PACS in which they are working, are able to meet the statutory requirement of "2% of the working capital or 30% of the gross capital in an year, whichever is less" stipulated for entitlement to pay salaries to employees. It is not established before this court that the State Government or the Registrar of the Co-operative Societies or any of the respondent Nos. 1 to 7 are obligated either to pay or to ensure payment of salaries to the petitioners. The liability to pay salaries to the petitioners is exclusively that of the respondents No. 8 to 15-PACS. It is not also established that the respondents No. 8 to 15-PACS are State within the meaning of Article 12 of the Constitution of India.

In the circumstances, there being no legal substratum to the reliefs claimed in the writ petition, the writ petition itself is not maintainable against the respondent Nos. 8 to 15—PACS and no relief could be granted. The writ petition is misconceived and is accordingly dismissed. The writ petitioners are, however, entitled to pursue available alternative remedies in accordance with law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

- 1 The Secretary, the Government of Andhra Pradesh, Cooperation Department,
Secretariat, Hyderabad.
- 2 The Commissioner for Cooperation and Registrar of Cooperative Societies,
Nampally, Hyderabad.
- 3 The Genral Manager, The Nellore District Coop. Central Bank
Ltd., Nellore, Nellore District.
- 4 The Branch Manager, State Bank of India, Venkatagiri, Nellore District
- 5 The District Coop. Officer, Nellore, Nellore District.
- 6 The Divisional Coop. Officer, Nellore, Nellore District.
- 7 The Divisional Coop. Officer, Gudur, Nellore District.
- 8 The Chairman/Person-in-Charge, Madhavayapalem primary Agricultural
Cooperative Society, Madhavayapalem,
Dakkili Mandal, Nellore District.
- 9 The Chairman/Person-in-Charge, Dakkili Primary Agricultural Cooperative
society, Dakkili, Dakkili Mandal,
Nellore District.
- 10 The Chairman/Person-in-Charge, Gollapalli Primary Agricultural
Cooperative Society, Gollapalli,
Dakkili mandal, Nellore District.
- 11 The Chairman/Person-in-Charge, Bhyravaram Primary Agricultural
Cooperative Society, Bhyravaram,
Balayapalli Mandal, Nellore District.
- 12 The Chairman/Person-in-Charge, Lalapeta Primary Agricultural

Cooperative Society, Lalapeta,

Venkatagiri Mandal, Nellore District.

13 The Manager/person-in-charge, Siddavaram Primary Agricultural

Cooperative Society, Siddavaram,

Rapur Mandal, Nellore District, Nellore

district Cooperative Central Bank Ltd., Venkatagiri Branch, Nellore District.

14 The Chairman/Person-in-charge, Armenipadu Primary Agricultural

Cooperative Society, Armenipadu,

Ozili Mandal, Nellore District.

15 The Chairman/Person-in-Charge, Sagatur Primary Agricultural Cooperative
Society, Sagatur, Ozili Mandal,

Nellore District.

16.2CCs to learned Government Pleader for Co-operation, A.P. High Court
Buildings, Hyderabad (OUT).

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